



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 30th June, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Maggie Carman (Chair), Md Shamsed Chowdhury and Melvyn Caplan

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. THE OLD BREWER'S YARD, 5 LANGLEY STREET, WC2H 9JA

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

#### **30<sup>th</sup> June 2022 – ITEM 1**

Membership: Councillor Maggie Carman (Chair) Councillor Md Shamsed Chowdhury and Councillor Melvyn Caplan

Officer Support	Legal Adviser:	Vivienne Walker
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Jack Robinson-Young
	Presenting Officer:	Emanuela Meloyan

Other parties: Craig Baylis (Kingsley Napley LLP), Tom Johnson (Project Director) Ian Watson (Environmental Health Service) Roxsana Haq (Licensing Authority) PC Reaz Guerra (Metropolitan Police), David Kaner & Robert Thompson (Covent Garden Community Association, Richard Brown (Soho Society and Covent Garden Community Association), Marina Tempia (The Soho Society), Sophie Levenson and Alun Thomas, (The Mercer Company), Alison Oswald (Local resident) and Robert McCracken QC

**Application for a New Premises Licence in respect of The Old Brewer's Yard  
Basement 5 Langley Street London WC2H 9JA**

**Full Decision**

**Premises**

Basement  
5 Langley Street  
London WC2H 9JA

**Applicant**

Diageo Great Britain Limited

**Cumulative Impact Area**

West End

**Ward**

St. James's

**Special Consideration Zone**

None

**Summary of Application**

The Sub-Committee has determined a new application for a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises sought opening hours including alcohol from 10:00 – 23:30 from Monday to Thursday, until 00:00 on a Friday and Saturday and the hours of 12:00 until 22:30 on a Sunday. This includes plays, films, live music, recorded music, or the performance of dance in an open space within the premises. A terminal hour for these activities has been proposed at 22:00 every day.

There is a resident count of 158.

**Representations received**

- Metropolitan Police (PC Reaz Guerra)
- Environmental Health Service (Ian Watson)
- Licensing Authority (Roxsana Haq)
- Covent Garden Community Association (Richard Brown and David Kaner)
- The Soho Society (Richard Brown)
- 24 Local residents

## **Summary of issues raised by objectors**

The Metropolitan Police maintained their representation on the grounds that the application would not meet the Licensing objectives and that there was insufficient detail submitted in the application. Environment Health Service made a similar objection but did propose conditions for the Sub-Committee's consideration. The Licensing Authority also did not believe that this application would seek to serve the Licensing objectives and highlighted that the premises are located within the West End Cumulative Impact Area. The Covent Garden Community Association and The Soho Society made similar representations on the ground of the dispersal of patrons causing noise to residents, increased vertical drinking in the area leading to intoxication and a potential to exacerbate the already high levels of nuisance, crime and disorder in the area. Local residents raised many of the same issues as the two community groups however, they also highlighted how the deliveries to the area could increase the amount of noise created.

## **Policy Position**

### **CIP1**

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises and music and dancing and similar entertainment, other than applications to vary hours within core hours under Policy HRS1, and/or vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

### **HRS1**

Applications within the core hours will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours would be considered on their merits, subject to other relevant policies and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

### **PB1(B)**

- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
1. Applications to vary the existing licence hours within the Council's Core Hours Policy HRS1.
  2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

- C. The applications referred to in Clauses B1 and B2 will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

## **SUBMISSIONS AND REASONS**

The Chair of the Sub-Committee opened proceedings by explaining that Item 1 on the agenda, would be heard now and the following 3 items to come after would be heard together in the round but that four separate Decisions would be issued. The Chair explained that as all 4 Items were in relation to the same Applicant but with different applications due to the spread of locations, that there would be no need to hear 4 individual applications. However, Item 1 was the most contentious and had generated the most objections and should the Sub-Committee choose to not grant approval, there would be no benefit in hearing any item thereafter.

The Presenting Officer Ms Emanuela Meloyan outlined the application to the Sub-Committee. She advised that this was a new premises licence under the Act in respect of 5 Langley Street and representations had been received from the Environmental Health Service, the Metropolitan Police Service, the Covent Garden Resident Association, the Soho Society, the Local Authority and twenty six interested parties. She also advised that the application was supported by one party and that the Premises were located within the St. James's Ward and in the West End Cumulative Impact Zone.

Mr Craig Baylis addressed the Sub-Committee on behalf of the Applicant and explained that the Applicant had been in constant communication with local residents and responsible authorities throughout. Mr Baylis advised that a total of £74 million was to be invested into the area and the surrounding benefits to traders and communities would be substantial. An example of this is the kitchen with an open residency for those in the community wanting to train and develop their culinary skills. There would be a "grain to glass" operation with a brewery on-site to have the products of sale on site for consumption on or off the premises. Mr Baylis explained that there was a Planning application scheduled for the 9<sup>th</sup> August 2022, however the operational management plan had been made available to the Sub-Committee for the hearing today. Works would start in August/September 2022 to then be completed by September or October 2023.

Mr Baylis explained that this application was for the basement of the old Langley nightclub that the Applicant wanted to turn this area into a conference centre for corporate events and ticketed events. This space would only be used for core hours and would not be expected to be in constant use. The Old Brewers Yard was also within this application. He stated that this was an open space area but would have part-coverage, the toilets for patrons. This area was based within the Old Langley nightclub area, the basement. The Old Brewers Yard would be expected to have 100 seated covers as a condition. Mr Baylis explained that the two licences as such, previously there was a licence for a 500-person capacity nightclub with a 01:00 licence. He explained that this was an application for 200 people in an open space with some coverage under core hours. Food would be available to those people. Mr Baylis stated that he understood that dispersal had been a key issue for local

residents, addressing this concern he explained that there were two routes for egress, Old Brewers Yard leads out into Langley Street and the basement area leads out into Shelton Street with an SIA on both exits.

In response to the Sub-Committee questions Mr Tom Johnson, the Project Director, explained that the kitchen would be open to local talents, they would also work with local foodbanks to use their spent grain to make bread or for compost this was done previously during the Covid-19 pandemic. Mr Johnson also stated that they would be open to the idea of peppercorn rent for businesses using the event space.

In response to the Sub-Committee question about the capacity for the overall application covering all four Items and how this might negatively affect local residents, both Mr Baylis and Mr Johnson explained that the events were prebooked events and so they would not have hundreds of people turning up without notice. There would also be SIA Door Supervisors on both egress and ingress points.

The Sub-Committee noted that it was Council policy to refuse (Policy PB1) with the only offering as an exception being that a 500 capacity nightclub will now be a total 200 capacity basement and open area. Mr Baylis explained that this would remove a troublesome licence for the nightclub in replacement of a predominantly 100 cover licence in the open area as the basement area of the old Langley nightclub would be used for private events and used occasionally.

Ms Alison Oswald, a local resident addressed the Sub-Committee virtually she explained that she lives in a Council-managed block, but people's perception of Covent Garden was not that it was residential and family-centred. Ms Oswald explained that some of the families have young children and there are also people of retirement age in the area, both these groups especially do not want their sleep to be disturbed from early morning deliveries and people leaving this premises at a late hour. Of particular concern to her was the roof terrace in a further application made by the Applicant. Ms Oswald was also concerned about the egress towards Covent Garden underground station as this would not have the capacity to take this increased number of people in the area, where as Leicester Square station would be able to handle dispersal more easily. In response to the Sub-Committee, she stated that she would prefer the bar to close at 22:00 hours.

Mr Ian Watson on behalf of Environmental Health Service addressed the Sub-Committee and confirmed that had he had been engaged with this application and had given pre-application advice to the Applicant. Mr Watson advised that it was an intensive area to control the street environment. He stated that when reading the documents, there was a vagueness around the seating and vertical drinking arrangements with dispersal not clearly stipulated. He stated that there was a draft application that has gone to the Planning Committee, but this has not been confirmed as there are multiple ingress and egress points, this does need to be clarified. Mr Watson also expressed concern about the noise report conducted by the Applicant as this was undertaken towards the end of 2021 when London especially was hit by the Omicron Covid variant with many people isolating due to contracting Covid or pre-emptively isolating to avoid catching Covid. Mr Watson stated that the reduction in visitors to London and Londoners reducing their social interactions should be factored into the levels of noise recorded in the noise report. Mr Watson also had some questions for the Applicants, namely, whether there was a smoking

policy, the request is for core hours in the external yard but within the proposal it stated that there will be no entertainment after 22:00, where will glass bottles be collected from and can 2 days of waste be stored.

In response, Mr Baylis confirmed that waste can be held for 2 days and will be stored in the basement area. The covering for the yard will only be 50% of the area leaving half uncovered for smokers. Planners had not yet approved the operational management plan, so some details do remain to be confirmed. Mr Baylis also confirmed that if the Sub-Committee wished, they would drop the application for events in the yard and use Temporary Event Notices instead.

PC Reaz Guerra on behalf of the Metropolitan Police Service stated that he was present to assist the Sub-Committee. He raised a question pertaining to the yard area being enclosed, this was answered by Mr Baylis. He stated that the Police were pleased to note that SIA's will be present at both exit points. This will act as some protection for people casually spilling out into the street in case of pickpocketing and theft.

Ms Roxsana Haq representing the Licensing Authority advised the Sub-Committee that the Licensing Authority had maintained their representation as there is a policy presumption under Policy PB1 to refuse the application. She stated that it was for members of the Sub-Committee to determine whether the applicant's intention to surrender the licence for the basement area at 5 Langley Street licence would be adequate to depart from policy.

Mr Richard Brown, Licensing Lawyer, Westminster Citizens Advice Bureau, on behalf of the Covent Garden Community Association and the Soho Society advised the Sub-Committee that this was not a review of the Old Langley licence and should not be viewed as such, this was a new application. He stated that in relation to the Langley licence it was welcomed that this licence would be surrendered, he would expect Mercers who currently hold it only to offer out the premises to a responsible outfit. Mr Brown explained that the Covent Garden Community Association sees this application as a whole across all 4 Items before the Sub-Committee today and that this was another licence being granted within the Cumulate Impact Zone. He stated that planning permission had not been granted for this application. Mr Brown stated that the comments and submissions given were also representations of the Soho Society.

Mr David Kaner on behalf of the Covent Garden Community Association expressed concerns in relation to the total capacity for the venue which would be around 1,000 people whereas, the Langley Street licence had just 500 people in the basement area and will be during the days as well as the evenings. Mr Kaner also reiterated that this was within a Cumulative Impact Zone and the Applicant here representing Diageo must explain in detail why this would not impact the area despite the potential doubling of capacity. Mr Kaner stated although part covered, noise will escape from the yard area and he agreed with Mr Watson from the Environmental Health Service that the acoustic report needed to be carefully considered given the timeframe it was taken. He stated that the issue of dispersal was of concern and he requested that the serving of alcohol should end at 23:00 hours, with people leaving via Shelton Street until 22:30 and then from Langley Street afterwards to reduce the

impact on residents. Mr Kaner requested that there should be no deliveries before 08:00 hours.

Mr Robert Thompson, a local resident of Langley Street addressed the Sub-Committee he explained that he had been a resident there for over a year and there are issues with noise rising upwards due to the narrow nature of the street. He expressed concern about the dispersal of people from the venue and agreed with Mr Kaner that the bar hours should be reduced to 23:00 hours.

In summing up Ian Watson for Environmental Health Service reiterated that this was a large development, and a robust dispersal policy would be crucial for the benefit of local residents.

Mr Baylis in his summing up stated that there has been engagement with the community by Diageo and that the overall discussion at the Sub-Committee had been constructive. He said there should be significant weight given to the surrendering of the 01:00 licence for the old Langley Street nightclub and that all further issues can be ironed out in consultation with local stakeholders.

## **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, submissions made by the Applicant and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee were mindful that during the hearing the application for regulated entertainment in the outside area had been withdrawn.

The Sub-Committee noted that the Applicant had put forward the surrender of the 01:00 nightclub operation Premises Licence for the basement at 5 Langley Street as the justification for the Sub-Committee to permit an exception to policy to grant this application. In surrendering this Licence, the Applicant believes that this would provide sufficient mitigation to demonstrate that this application would not add to cumulative impact in the area.

The Sub-Committee had regard to the fact that the Applicant had agreed to the surrender of the Premises Licence for the basement at 5 Langley Street night club which reduced the number of patrons leaving the premises by 500 people. However, having regard to the mitigation from the applicant relating to cumulative impact and the Council's policy the Sub-Committee was not satisfied that the surrender of the existing premises licence and the Applicant's proposals would be sufficient not to add to cumulative impact for the hours applied for. The Sub-Committee accepted the argument that 500 people in the basement of the building, in a nightclub type operation is a very different type of operation than that proposed.

The use of the outside space in Brewer's Yard for 200 people drinking alcohol, including vertical drinkers caused the Sub-Committee serious concerns and it was felt that the operation of the outside area would cause a nuisance to residents in the area and therefore negatively impact the licensing objectives.

The Sub-committee noted the Council's policy and Cumulative Impact Assessment identifies that cumulative impact occurs and increases significantly after 21:00 hours and there was value in the surrender of the licence, but as stated this alone does not overcome the Sub-Committee's concern that the hours after 21:00 hours for licensable activities in Brewer's Yard would add to cumulative impact. Therefore, it was the Sub-Committee's decision to grant the sale of alcohol in Brewer's Yard but to limit the terminal time to 21:00 hours.

The Sub-Committee noted that the Applicant had engaged with the Environmental Health Service and that the Metropolitan Police Service were satisfied that the courtyard is enclosed, and people cannot leave that area easily as it is controlled therefore patrons will not be drinking on the streets.

The Sub-Committee noted the interested parties' concerns in relation to dispersal and carefully considered their proposed conditions.

The Sub-Committee is aware that conditions must be appropriate for the promotion of the licensing objectives and that they must be tailored to the style of trade. The nature and wording of conditions in any case including this matter, rely on issues such as, but not limited to, the evidence, the quality and experience of the operators, the nature of the location, the style of operation, previous enforcement history and the nature and cumulative effect of other conditions on the Premises Licence. Conditions vary from case to case and indeed, each case is determined on its own merits.

The condition proposed by the CGCA, was considered by the Sub-Committee but it did not consider the condition appropriate and proportionate for the following reasons:

- (a) The Applicant had proposed a detailed Operational Management Plan and Delivery and Serving Plan and whilst the interested parties had expressed concern about dispersal into the locale, the Sub-Committee considered the inherent benefits of the location alongside the applicant's positive steps to manage patrons leaving would ensure that the licensing objectives were promoted;
- (b) By reducing the hours to core hours this would assist with dispersal, and with 500 people no longer leaving the premises in the early hours of the morning and the style of operation, this will assist with gradual dispersal;
- (c) The Applicant will appoint SIA Door Supervisors to control the flow of patrons.

The Sub-Committee noted that the enforcement of the condition proposed by the CGCA is dependent on:

- (1) The continued existence of the Operational Plan and there is no agreed condition compelling the operator to retain such a plan;
- (2) Definition of 'relevant staff' and when the training should take place;
- (3) The closure of any entrance will raise issues in relation to emergency escapes;
- (4) Enforcement Officer recognising or measuring the best endeavours of staff.



In light of the above, and the requirements under paragraph 1.16 of the Revised Home Office Guidance issued under section 182 of the Act, the Sub-Committee found that the condition was not precise enough and therefore unenforceable.

The Sub-Committee approved the proposed licensable activities and hours for the basement area as this area will only be used for private pre-booked functions or as an event space for circa 100 people. With the surrender of the Langley Premises licence and as this facility will be in the basement, the Sub-Committee was satisfied that an exception to policy had been met and would be appropriate in this case and with the proposed conditions the operation resulting reduction in the capacity and hours for the basement use the operation would not adversely impact the licensing objectives.

**The Sub-Committee decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the **Performance of Plays, Exhibition of Films, Live Music, Recorded Music, Performance of Dance (Indoors) (Basement Area hatched green on the plan)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 24:00 hours Sunday 12:00 to 22:30 hours.
2. That the request for seasonal variations for the **Performance of Plays, Exhibition of Films, Live Music, Recorded Music, Performance of Dance (Indoors and Outdoors) (Basement and the Brewer's Courtyard Area)** are refused.
3. To grant permission for **Late Night Refreshment (Indoors) (Basement Area hatched green on the plan)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.
4. That the request for **Late Night Refreshment in the Brewer's Courtyard** is refused.
5. To grant permission for **Sale by Retail of Alcohol (On Sales) (Basement Area hatched green on the plan)** Monday to Thursday 10:00 to 23:30 hours, Friday to Saturday 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours.
6. To grant permission for **Sale by Retail of Alcohol (Off Sales) (Basement Area hatched green on the plan and Brewer's Courtyard Area)** Monday to Saturday 10:00 to 21:00 hours and Sunday 12:00 to 21:00 hours.
7. To grant permission for **Sale by Retail of Alcohol (On Sales) (Brewer's Courtyard Area)** Monday to Saturday 10:00 to 21:00 hours and Sunday 12:00 to 21:00 hours.
8. To grant permission for the **Opening Hours for the Premises** Monday to

Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours  
Sunday 12:00 to 22:30 hours (**Basement Area hatched green on the plan**)

9. To grant permission for the **Opening Hours for the Brewer's Courtyard Area** Monday to Thursday 10:00 to 23:30 hours, Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours.
10. That the Licence is subject to any relevant mandatory conditions.
11. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing with the agreement of the Applicant**

9. The supply of alcohol in the basement area which is shown as hatched green on the deposited plan shall only be to persons attending a bona fide private pre-booked function or ticketed event to which members of the public are not admitted. A register of persons attending the function/event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by Police or an authorised officer of the Council throughout the entire 31-day period.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. There shall be no sales of alcohol for consumption 'Off' the premises **or in the Brewer's Courtyard after 21.00 hours.**
13. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
14. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be

stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
18. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log will be made available for inspection by the Police and Licensing Authority.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance and exit of the premises or any outside space.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
22. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

24. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
25. All refuse shall be stored internally prior to collection.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these documents shall be made readily available to the Police and the Licensing Authority upon request.
32. No licensable activities shall take place at the premises until premises licence 21/09021/LIPT (or such other number subsequently issued for 5 Langley Street 'the premises') has been surrendered and is incapable of resurrection.
33. No licensable activities shall take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
34. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
35. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
36. There shall be no sales or consumption of alcohol in Brewer's Yard beyond 21:00 hours.

37. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
30 June 2022**

**2. DIAGEO, 28-32 SHELTON STREET, WC2H 9JE**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

**30<sup>th</sup> June 2022 – ITEM 2**

Membership: Councillor Maggie Carman (Chair) Councillor Md Shamsed Chowdhury and Councillor Melvyn Caplan

Officer Support: Legal Adviser: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Jack Robinson-Young  
Presenting Officer: Emanuela Meloyan

Present: Craig Baylis (Kingsley Napley LLP), Tom Johnson (Project Director), Ian Watson (Environmental Health Service), Roxsana Haq (Licensing Authority), PC Reaz Guerra (Metropolitan Police), David Kaner & Robert Thompson (Covent Garden Community Association), Richard Brown (Soho Society and Covent Garden Community Association) Marina Tempia (The Soho Society), Sophie Levenson & Alun Thomas, (The Mercer Company) and Robert McCracken QC.

**Application for a New Premises Licences in respect of Diageo 28-32 Shelton Street London WC2H 9JE 22/02733/LIPN**

**Full Decision**

**Premises**

28-32 Shelton Street  
London WC2H 9JE

**Applicant**

Diageo Great Britain Limited

**Cumulative Impact Area**

West End

**Ward**

St. James's

**Special Consideration Zone**

None

## **Summary of Application**

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises are over six floors offering supply of alcohol ancillary to food with ancillary demonstration kitchens, function spaces and areas for local community use.

There is a resident count of 79.

## **Representations received**

- Metropolitan Police Service (PC Reaz Guerra)
- Environmental Health Service (Ian Watson)
- Licensing Authority (Jessica Donovan)
- Covent Garden Community Association (David Kaner)
- Covent Garden Area Trust (Miriam Holland)
- The Soho Society (Marina Tempia)
- The Mercers Company (Simon Taylor)
- 19 Local residents

## **Summary of issues raised by objectors**

- These applications taken together and individually, will fail to promote the licensing objectives of the Prevention of Public Nuisance if granted as applied for. This is because of the impact of the operation of the individual premises and the process of arrival and dispersal of customers towards the end of the hours applied for, which are in all cases Westminster City Council's Core Hours. The proposed process of dispersal will also harm the Public Safety Licensing Objective.
- The distress and nuisance this is going to cause within our neighbourhood is intolerable. We already have a huge development at 90 Long Acre on one side of our residential site that is going to have bars and restaurants and now we will be under further stress when the Guinness Group try and move in.
- The site is close to several residential developments and as a result residents will be adversely affected.
- These premises are in close proximity to Soho, and we are concerned that if successful these premises will increase cumulative impact within the West End Cumulative Impact Zone and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- A suggestion to review the entire operation after one year from commencing to see what impact, if any, on residents and businesses. This way the residents and businesses in the area can monitor the impact on their lives.
- The Mercers Company supported the applications and stated:  
We have spent a long time with Diageo to ensure that the applications are appropriately balanced and drafted so that they do not add to cumulative impact, are within Core Hours and subject to appropriate model conditions. If granted, "Guinness at Old Brewer's Yard is scheduled to open in Autumn

2023. The Mercers commend the application to you we hope for your approval.

## **Policy Position**

### **CIP1**

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises and music and dancing and similar entertainment, other than applications to vary hours within core hours under Policy HRS1, and/or vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

### **HRS1**

Applications within the core hours will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours would be considered on their merits, subject to other relevant policies and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, and the protection of children from harm.

### **RNT1 (B)**

Applications inside the West End Cumulative Impact Zone will generally be granted subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee.

Mr Craig Baylis, solicitor for the Applicant introduced the applications by explaining that all alcohol is ancillary to foods and dining has an average cost of £40/£50 a head per person. The restaurant covers 3 separate floors, the ground floor, the first floor and the sixth floor. The sixth floor has an external terrace which Mr Baylis was happy to accept a condition for this to be vacated by 21:00 to reduce noise disturbance to residents. The second floor has an "Innovation Kitchen" which is for demonstration only and is not part of the restaurant. Mr Tom Johnson, the Project Director, explained that the Innovation Kitchen was to help new and upcoming talent to have a residency and build up their skills. The third floor of the venue is for private events that need to be pre-booked with floors four and five for back-office operations. The exit is through the ground floor via Old Brewers Yard. On Shilton Street there



were concerns raised about the pavement access, due to this the front is the only fire escape that persons would be directed to.

Mr Johnson explained that there is also an on-site brewery across ten hectares, and they aim to use this as a location to brew Guinness, but the layout will also allow for tours and experiences. Although based on one floor, elements do rise throughout the building. A tour would start here with a tasting at the end with a capacity of 15 people per guided tour with soft drinks available for anyone under the legal drinking age. All guided tours will be prebooked.

Mr Baylis explained that the gift shop/souvenir shop would be part of the venue and there is a need for a Licence here as they will be selling Guinness but not alcohol wider than this like a traditional off-licence.

Mr Ian Watson for Environmental Health Service stated that the terrace area is smaller than others in the surrounding area and the designated smoking area was welcomed as this will keep smokers off the street. He sought clarity that the gift shop would use counter service and have a shutter when the shop is closed. Also, that there will be a shutter over the alcohol beverages.

PC Guerra for the Metropolitan Police Service stated that they had made the majority of their representations to the Sub-Committee in their detailed objections but would welcome any questions from members of the Sub-Committee. He asked if only those on a guided tour will have access to the shop and whether the retail store would only be for those on a guided tour. In response Mr Baylis explained that all visitors to the site can purchase from both sites not just those on a tour. He confirmed that there was an agreed challenge 21 condition.

Mr David Kaner for the CGCA stated that he would prefer dispersal from Old Brewers Yard to come through out on to Langley Street. Mr Baylis said that this was down to the Planning process, but dispersal has been a long conversation internally for them to minimise the impact on residents. Mr Baylis also reiterated this was a restaurant with people coming and going, not a destination where a large amount of people would be entering or exiting at one single time. Mr Kaner stated that he believed dispersal needed to be addressed by this Sub-Committee and to not wait until Planning, he also asked that the terrace area be closed by 21:00 and not 22:00 as requested. Mr Richard Brown for the Soho Society also asked that the terrace area be closed at 21:00 hours.

Mr Kerry Simpkin, the Policy Advisor asked the Project Director if alcohol over 5.5% abv will be available however at this stage they were unable to confirm. The Project Director explained that some Guinness is a seasonal speciality such as a Halloween or Christmas Blend. As these are yet to be determined they could potentially be over 5.5% abv but could also be under or even be alcohol-free as alcohol-free Guinness will also be sold from the premises.

## **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, submissions made by the Applicant

and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee were mindful that during the hearing the application for regulated entertainment in the outside area had been withdrawn.

The Sub-Committee noted that the Applicant had put forward the surrender of the 01:00 nightclub operation Premises Licence for the basement at 5 Langley Street as the justification for the Sub-Committee to permit an exception to policy to grant this application. In surrendering this Licence, the Applicant believes that this would provide sufficient mitigation to demonstrate that this application would not add to cumulative impact in the area.

The Sub-Committee had regard to the fact that the Applicant had agreed to the surrender of the Premises Licence for the basement at 5 Langley Street night club which reduced the number of patrons leaving the premises by 500 people. However, having regard to the mitigation from the applicant relating to cumulative impact and the Council's policy the Sub-Committee was not satisfied that the surrender of the existing premises licence and the Applicant's proposals would be sufficient not to add to cumulative impact for the hours applied for. The Sub-Committee accepted the argument that 500 people in the basement of the building, in a nightclub type operation is a very different type of operation than that proposed.

The use of the outside space in Brewer's Yard for 200 people drinking alcohol, including vertical drinkers caused the Sub-Committee serious concerns and it was felt that the operation of the outside area would cause a nuisance to residents in the area and therefore negatively impact the licensing objectives.

The Sub-committee noted the Council's policy and Cumulative Impact Assessment identifies that cumulative impact occurs and increases significantly after 21:00 hours and there was value in the surrender of the licence, but as stated this alone does not overcome the Sub-Committee's concern that the hours after 21:00 hours for licensable activities in Brewer's Yard would add to cumulative impact. Therefore, it was the Sub-Committee's decision to grant the sale of alcohol in Brewer's Yard but to limit the terminal time to 21:00 hours.

The Sub-Committee noted that the Applicant had engaged with the Environmental Health Service and that the Metropolitan Police Service were satisfied that the courtyard is enclosed, and people cannot leave that area easily as it is controlled therefore patrons will not be drinking on the streets.

The Sub-Committee noted the interested parties' concerns in relation to dispersal and carefully considered their proposed conditions.

The Sub-Committee is aware that conditions must be appropriate for the promotion of the licensing objectives and that they must be tailored to the style of trade. The nature and wording of conditions in any case including this matter, rely on issues such as, but not limited to, the evidence, the quality and experience of the operators, the nature of the location, the style of operation, previous enforcement history and the nature and cumulative effect of other conditions on the Premises Licence.

Conditions vary from case to case and indeed, each case is determined on its own merits.

The condition proposed by the CGCA, was considered by the Sub-Committee but it did not consider the condition appropriate and proportionate for the following reasons:

- (d) The Applicant had proposed a detailed Operational Management Plan and Delivery and Serving Plan and whilst the interested parties had expressed concern about dispersal into the locale, the Sub-Committee considered the inherent benefits of the location alongside the applicant's positive steps to manage patrons leaving would ensure that the licensing objectives were promoted;
- (e) By reducing the hours to core hours this would assist with dispersal, and with 500 people no longer leaving the premises in the early hours of the morning and the style of operation, this will assist with gradual dispersal;
- (f) The Applicant will appoint SIA Door Supervisors to control the flow of patrons.

The Sub-Committee noted that the enforcement of the condition proposed by the CGCA is dependent on:

- (5) The continued existence of the Operational Plan and there is no agreed condition compelling the operator to retain such a plan;
- (6) Definition of 'relevant staff' and when the training should take place;
- (7) The closure of any entrance will raise issues in relation to emergency escapes;
- (8) Enforcement Officer recognising or measuring the best endeavours of staff.

In light of the above, and the requirements under paragraph 1.16 of the Revised Home Office Guidance issued under section 182 of the Act, the Sub-Committee found that the condition was not precise enough and therefore unenforceable.

The Sub-Committee approved the proposed licensable activities and hours for the basement area as this area will only be used for private pre-booked functions or as an event space for circa 100 people. With the surrender of the Langley Premises licence and as this facility will be in the basement, the Sub-Committee was satisfied that an exception to policy had been met and would be appropriate in this case and with the proposed conditions the operation resulting reduction in the capacity and hours for the basement use the operation would not adversely impact the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the **Exhibition of Films, Live Music, Recorded Music Performance of Dance (Indoors and Outdoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours.

Seasonal Variations: None

2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.

Seasonal Variations: None

3. To grant permission for **Retail Sale of Alcohol (On and Off Sales)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours. Sunday 12:00 to 22:30 hours

Seasonal Variations: None

4. To grant permission for **Hours Premises are open to the Public** Monday to Thursday 08:00 to 23:30 hours Friday to Saturday 08:00 to 00:00 hours Sunday 09:00 to 22:30 hours.

Seasonal Variations: None

5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing with the agreement of the Applicant**

9. The supply of alcohol throughout the premises shall only be to
  - (a) Persons seated taking a table meal at the premises where the supply of alcohol is by waiter or waitress service, save for persons who may be served alcohol at the ancillary bars on the ground, first and sixth floors while awaiting a table or after taking a table meal, or
  - (b) Persons attending a bona fide private pre booked function or a ticketed event to which members of the public are not admitted. A register of persons attending the function/event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by the Police or an authorised officer of the Council throughout the entire 31-day period.
10. Prior to any event being taken at the premises a risk assessment for that event shall be undertaken which will address as a minimum entrance and dispersal of patrons, provision and service of alcohol and the monitoring of consumption of alcohol and whether the provision of SIA shall be required. This risk assessment shall be retained at the premises for a minimum of 31 days after the event takes place.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The external terrace area on the 6th floor shall not be used and be vacated by 22.00 hours each day.

13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
14. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
15. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
16. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the preceding 31-day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
20. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log will be made available for inspection by the Police and Licensing Authority.

21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building including the 6th floor terrace.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
24. No regulated entertainment shall be provided on the 6<sup>th</sup> floor terrace.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
28. All refuse shall be stored internally prior to collection.
29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
30. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these

documents shall be made readily available to the Police and the Licensing Authority upon request.

35. After 21:00 hours all patrons shall leave the premises via Langley Street.
36. No licensable activities shall take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
37. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
38. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
39. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
30 June 2022**

**3. 15 NEAL STREET, WC2H 9PU**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

**30<sup>th</sup> June 2022 – ITEM 3**

Membership: Councillor Maggie Carman (Chair) Councillor Md Shamsed Chowdhury and Councillor Melvyn Caplan

Officer Support    Legal Adviser:                    Vivienne Walker  
                         Policy Officer:                    Kerry Simpkin  
                         Committee Officer:                Jack Robinson-Young  
                         Presenting Officer:                Emanuela Meloyan

Present: Craig Baylis (Kingsley Napley LLP), Tom Johnson (Project Director), Ian Watson (Environmental Health Service), Roxsana Haq (Licensing Authority) PC Reaz Guerra (Metropolitan Police Service), David Kaner & Robert Thompson (Covent Garden Community Association), Richard Brown (Soho Society and Covent Garden Community Association) Marina Tempia (The Soho Society), Sophie Levenson & Alun Thomas, (The Mercer Company) and Robert McCracken QC.

**Application for a New Premises Licence in respect of 15 Neal Street London WC2H 9PU 22/02731/LIPN**

**Full Decision**

**Premises**

15 Neal Street,  
London WC2H 9PU

**Applicant**

Diageo Great Britain Limited

**Cumulative Impact Area**

West End

**Ward**

St. James's

**Special Consideration Zone**

None



## **Summary of Application**

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to operate as a retail/souvenir shop with the ancillary retail sale of alcohol for consumption off the premises.

There is a resident count of 178.

## **Representations received (across all applications)**

- Metropolitan Police (PC Reaz Guerra)
- Environmental Health (Ian Watson)
- Licensing Authority (Jessica Donovan)
- Covent Garden Community Association (David Kaner)
- Covent Garden Area Trust (Miriam Holland)
- The Soho Society (Marina Tempia)
- The Mercers Company (Simon Taylor)
- 16 Local residents

## **Summary of issues raised by objectors**

- These applications taken together and individually, will fail to promote the licensing objectives of the Prevention of Public Nuisance if granted as applied for. This is because of the impact of the operation of the individual premises and the process of arrival and dispersal of customers towards the end of the hours applied for, which are in all cases Westminster City Council's Core Hours. The proposed process of dispersal will also harm the Public Safety Licensing Objective.
- The distress and nuisance this is going to cause within our neighbourhood is intolerable. We already have a huge development at 90 Long Acre on one side of our residential site that is going to have bars and restaurants and now we will be under further stress when the Guinness Group try and move in.
- The site is close to several residential developments and as a result residents will be adversely affected.
- These premises are in close proximity to Soho and we are concerned that if successful these premises will increase cumulative impact within the West End Cumulative Impact Zone and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- A suggestion to review the entire operation after one year from commencing to see what impact, if any, on residents and businesses. This way the residents and businesses in the area can monitor the impact on their lives.
- The Mercers Company supported the applications and stated:  
We have spent a long time with Diageo to ensure that the applications are appropriately balanced and drafted so that they do not add to cumulative impact, are within Core Hours and subject to appropriate model conditions. If granted, "Guinness at Old Brewer's Yard is scheduled to open in Autumn

2023. The Mercers commend the application to you we hope for your approval.

## **Policy Position**

### **CIP1**

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises and music and dancing and similar entertainment, other than applications to vary hours within core hours under Policy HRS1, and/or vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

### **HRS1**

Applications within the core hours will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours would be considered on their merits, subject to other relevant policies and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

### **SHP1**

Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee.

Mr Craig Baylis, solicitor for the Applicant introduced the applications by explaining that all alcohol is ancillary to foods and dining has an average cost of £40/£50 a head per person. The restaurant covers 3 separate floors, the ground floor, the first floor and the sixth floor. The sixth floor has an external terrace which Mr Baylis was happy to accept a condition for this to be vacated by 21:00 to reduce noise disturbance to residents. The second floor has an "Innovation Kitchen" which is for demonstration only and is not part of the restaurant. Mr Tom Johnson, the Project Director, explained that the Innovation Kitchen was to help new and upcoming talent to have a residency and build up their skills. The third floor of the venue is for private events that need to be pre-booked with floors four and five for back-office operations.

The exit is through the ground floor via Old Brewers Yard. On Shilton Street there were concerns raised about the pavement access, due to this the front is the only fire escape that persons would be directed to.

Mr Johnson explained that there is also an on-site brewery across ten hectares, and they aim to use this as a location to brew Guinness, but the layout will also allow for tours and experiences. Although based on one floor, elements do rise throughout the building. A tour would start here with a tasting at the end with a capacity of 15 people per guided tour with soft drinks available for anyone under the legal drinking age. All guided tours will be prebooked.

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## **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, submissions made by the Applicant

and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee were mindful that during the hearing the application for regulated entertainment in the outside area had been withdrawn.

The Sub-Committee noted that the Applicant had put forward the surrender of the 01:00 nightclub operation Premises Licence for the basement at 5 Langley Street as the justification for the Sub-Committee to permit an exception to policy to grant this application. In surrendering this Licence, the Applicant believes that this would provide sufficient mitigation to demonstrate that this application would not add to cumulative impact in the area.

The Sub-Committee had regard to the fact that the Applicant had agreed to the surrender of the Premises Licence for the basement at 5 Langley Street night club which reduced the number of patrons leaving the premises by 500 people. However, having regard to the mitigation from the applicant relating to cumulative impact and the Council's policy the Sub-Committee was not satisfied that the surrender of the existing premises licence and the Applicant's proposals would be sufficient not to add to cumulative impact for the hours applied for. The Sub-Committee accepted the argument that 500 people in the basement of the building, in a nightclub type operation is a very different type of operation than that proposed.

The use of the outside space in Brewer's Yard for 200 people drinking alcohol, including vertical drinkers caused the Sub-Committee serious concerns and it was felt that the operation of the outside area would cause a nuisance to residents in the area and therefore negatively impact the licensing objectives.

The Sub-committee noted the Council's policy and Cumulative Impact Assessment identifies that cumulative impact occurs and increases significantly after 21:00 hours and there was value in the surrender of the licence, but as stated this alone does not overcome the Sub-Committees concern that the hours after 21:00 hours for licensable activities in Brewer's Yard would add to cumulative impact. Therefore, it was the Sub-Committees decision to grant the sale of alcohol in Brewer's Yard but to limit the terminal time to 21:00 hours.

The Sub-Committee noted that the Applicant had engaged with the Environmental Health Service and that the Metropolitan Police Service were satisfied that the courtyard is enclosed, and people cannot leave that area easily as it is controlled therefore patrons will not be drinking on the streets.

The Sub-Committee noted the interested parties' concerns in relation to dispersal and carefully considered their proposed conditions.

The Sub-Committee is aware that conditions must be appropriate for the promotion of the licensing objectives and that they must be tailored to the style of trade. The nature and wording of conditions in any case including this matter, rely on issues such as, but not limited to, the evidence, the quality and experience of the operators, the nature of the location, the style of operation, previous enforcement history and the nature and cumulative effect of other conditions on the Premises Licence.

Conditions vary from case to case and indeed, each case is determined on its own merits.

The condition proposed by the CGCA, was considered by the Sub-Committee but it did not consider the condition appropriate and proportionate for the following reasons:

- (g) The Applicant had proposed a detailed Operational Management Plan and Delivery and Serving Plan and whilst the interested parties had expressed concern about dispersal into the locale, the Sub-Committee considered the inherent benefits of the location alongside the applicant's positive steps to manage patrons leaving would ensure that the licensing objectives were promoted;
- (h) By reducing the hours to core hours this would assist with dispersal, and with 500 people no longer leaving the premises in the early hours of the morning and the style of operation, this will assist with gradual dispersal;
- (i) The Applicant will appoint SIA Door Supervisors to control the flow of patrons.

The Sub-Committee noted that the enforcement of the condition proposed by the CGCA is dependent on:

- (9) The continued existence of the Operational Plan and there is no agreed condition compelling the operator to retain such a plan;
- (10) Definition of 'relevant staff' and when the training should take place;
- (11) The closure of any entrance will raise issues in relation to emergency escapes;
- (12) Enforcement Officer recognising or measuring the best endeavours of staff.

In light of the above, and the requirements under paragraph 1.16 of the Revised Home Office Guidance issued under section 182 of the Act, the Sub-Committee found that the condition was not precise enough and therefore unenforceable.

The Sub-Committee approved the proposed licensable activities and hours for the basement area as this area will only be used for private pre-booked functions or as an event space for circa 100 people. With the surrender of the Langley Premises licence and as this facility will be in the basement, the Sub-Committee was satisfied that an exception to policy had been met and would be appropriate in this case and with the proposed conditions the operation resulting reduction in the capacity and hours for the basement use the operation would not adversely impact the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for **Retail Sale of Alcohol (Off Sales)** Monday to Sunday 09:00 to 21:00 hours.

Seasonal Variations: None

2. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 09:00 to 21:00 hours.

Seasonal Variations: None

3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing with the agreement of the Applicant**

6. The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these documents shall be made readily available to the Responsible Authorities upon request.
7. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a retail/gift/souvenir shop.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for alcohol products brewed at 1 Mercer Walk.
10. There shall be no self-selection of alcohol.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the entire 31-day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. A Record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
16. The use of the retail shop as a through route between Neal Street and Brewers Yard ends at 21:00 hours.
17. No licensable activities shall take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
18. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
19. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the Licence Holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
30 June 2022**

**4. 1 MERCER WALK, WC2H 9FA**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

**30<sup>th</sup> June 2022 – ITEM 4**

Membership: Councillor Maggie Carman (Chair) Councillor Md Shamsed Chowdhury and Councillor Melvyn Caplan

Officer Support    Legal Adviser:                    Vivienne Walker  
                         Policy Officer:                    Kerry Simpkin  
                         Committee Officer:                Jack Robinson-Young  
                         Presenting Officer:                Emanuela Meloyan

Present: Craig Baylis (Kingsley Napley LLP), Tom Johnson (Project Director), Ian Watson (Environmental Health Service), Roxsana Haq (Licensing Authority, PC Reaz Guerra (Metropolitan Police Service), David Kaner & Robert Thompson (Covent Garden Community Association), Richard Brown (Soho Society and Covent Garden Community Association) Marina Tempia (The Soho Society), Sophie Levenson & Alun Thomas, (The Mercer Company) and Robert McCracken QC.

**Application for a New Premises Licence in respect of 1 Mercer Walk London WC2H 9PA 22/02732/LIPN**

**Full Decision**

**Premises**

1 Mercer Walk  
London, WC2H 9PA

**Applicant**

Diageo Great Britain Limited

**Cumulative Impact Area**

West End

**Ward**

St. James's

**Special Consideration Zone**

None



## **Summary of Application**

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to operate as a brewery providing visitor attraction facilities and a function space for private pre-booked functions.

There is a resident count of 135.

## **Representations received**

- Metropolitan Police Service (PC Reaz Guerra)
- Environmental Health Service (Ian Watson)
- Licensing Authority (Jessica Donovan)
- Covent Garden Community Association (David Kaner)
- Covent Garden Area Trust (Miriam Holland)
- The Soho Society (Marina Tempia)
- The Mercers Company (Simon Taylor)
- 19 Local residents

## **Summary of issues raised by objectors**

- These applications taken together and individually, will fail to promote the licensing objectives of the Prevention of Public Nuisance if granted as applied for. This is because of the impact of the operation of the individual premises and the process of arrival and dispersal of customers towards the end of the hours applied for, which are in all cases Westminster City Council's Core Hours. The proposed process of dispersal will also harm the Public Safety Licensing Objective.
- The distress and nuisance this is going to cause within our neighbourhood is intolerable. We already have a huge development at 90 Long Acre on one side of our residential site that is going to have bars and restaurants and now we will be under further stress when the Guinness Group try and move in.
- The site is close to several residential developments and as a result residents will be adversely affected.
- These premises are in close proximity to Soho and we are concerned that if successful these premises will increase cumulative impact within the West End Cumulative Impact Zone and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- A suggestion to review the entire operation after one year from commencing to see what impact, if any, on residents and businesses. This way the residents and businesses in the area can monitor the impact on their lives.
- The Mercers Company supported the applications and stated:  
We have spent a long time with Diageo to ensure that the applications are appropriately balanced and drafted so that they do not add to cumulative impact, are within Core Hours and subject to appropriate model conditions. If granted, "Guinness at Old Brewer's Yard is scheduled to open in Autumn

2023. The Mercers commend the application to you we hope for your approval.

## **Policy Position**

### **CIP1**

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises and music and dancing and similar entertainment, other than applications to vary hours within core hours under Policy HRS1, and/or vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

### **HRS1**

Applications within the core hours will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours would be considered on their merits, subject to other relevant policies and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

### **COMB1**

Applications inside the West End Cumulative Impact Zone for premises that propose to operate as a combined use premises will be considered on their merits subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities for the relevant premises use being within the Council's Core Hours Policy HRS1.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee.

Mr Craig Baylis, solicitor for the Applicant introduced the applications by explaining that all alcohol is ancillary to foods and dining has an average cost of £40/£50 a head per person. The restaurant covers 3 separate floors, the ground floor, the first floor and the sixth floor. The sixth floor has an external terrace which Mr Baylis was happy to accept a condition for this to be vacated by 21:00 to reduce noise disturbance to residents. The second floor has an "Innovation Kitchen" which is for demonstration only and is not part of the restaurant. Mr Tom Johnson, the Project Director, explained that the Innovation Kitchen was to help new and upcoming talent to have a residency and build up their skills. The third floor of the venue is for private

events that need to be pre-booked with floors four and five for back-office operations. The exit is through the ground floor via Old Brewers Yard. On Shilton Street there were concerns raised about the pavement access, due to this the front is the only fire escape that persons would be directed to.

Mr Johnson explained that there is also an on-site brewery across ten hectares, and they aim to use this as a location to brew Guinness, but the layout will also allow for tours and experiences. Although based on one floor, elements do rise throughout the building. A tour would start here with a tasting at the end with a capacity of 15 people per guided tour with soft drinks available for anyone under the legal drinking age. All guided tours will be prebooked.

Mr Baylis explained that the gift shop/souvenir shop would be part of the venue and there is a need for a Licence here as they will be selling Guinness but not alcohol wider than this like a traditional off-licence.

Mr Ian Watson for Environmental Health Service stated that the terrace area is smaller than others in the surrounding area and the designated smoking area was welcomed as this will keep smokers off the street. He sought clarity that the gift shop would use counter service and have a shutter when the shop is closed. Also, that there will be a shutter over the alcohol beverages.

PC Guerra for the Metropolitan Police Service stated that they had made the majority of their representations to the Sub-Committee in their detailed objections but would welcome any questions from members of the Sub-Committee. He asked if only those on a guided tour will have access to the shop and whether the retail store would only be for those on a guided tour. In response Mr Baylis explained that all visitors to the site can purchase from both sites not just those on a tour. He confirmed that there was an agreed challenge 21 condition.

Mr David Kaner for the CGCA stated that he would prefer dispersal from Old Brewers Yard to come through out on to Langley Street. Mr Baylis said that this was down to the Planning process, but dispersal has been a long conversation internally for them to minimise the impact on residents. Mr Baylis also reiterated this was a restaurant with people coming and going, not a destination where a large amount of people would be entering or exiting at one single time. Mr Kaner stated that he believed dispersal needed to be addressed by this Sub-Committee and to not wait until Planning, he also asked that the terrace area be closed by 21:00 and not 22:00 as requested. Mr Richard Brown for the Soho Society also asked that the terrace area be closed at 21:00 hours.

Mr Kerry Simpkin, the Policy Advisor asked the Project Director if alcohol over 5.5% abv will be available however at this stage they were unable to confirm. The Project Director explained that some Guinness is a seasonal speciality such as a Halloween or Christmas Blend. As these are yet to be determined they could potentially be over 5.5% abv but could also be under or even be alcohol-free as alcohol-free Guinness will also be sold from the premises.

## Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, submissions made by the Applicant and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee were mindful that during the hearing the application for regulated entertainment in the outside area had been withdrawn.

The Sub-Committee noted that the Applicant had put forward the surrender of the 01:00 nightclub operation Premises Licence for the basement at 5 Langley Street as the justification for the Sub-Committee to permit an exception to policy to grant this application. In surrendering this Licence, the Applicant believes that this would provide sufficient mitigation to demonstrate that this application would not add to cumulative impact in the area.

The Sub-Committee had regard to the fact that the Applicant had agreed to the surrender of the Premises Licence for the basement at 5 Langley Street night club which reduced the number of patrons leaving the premises by 500 people. However, having regard to the mitigation from the applicant relating to cumulative impact and the Council's policy the Sub-Committee was not satisfied that the surrender of the existing premises licence and the Applicant's proposals would be sufficient not to add to cumulative impact for the hours applied for. The Sub-Committee accepted the argument that 500 people in the basement of the building, in a nightclub type operation is a very different type of operation than that proposed.

The use of the outside space in Brewer's Yard for 200 people drinking alcohol, including vertical drinkers caused the Sub-Committee serious concerns and it was felt that the operation of the outside area would cause a nuisance to residents in the area and therefore negatively impact the licensing objectives.

The Sub-committee noted the Council's policy and Cumulative Impact Assessment identifies that cumulative impact occurs and increases significantly after 21:00 hours and there was value in the surrender of the licence, but as stated this alone does not overcome the Sub-Committees concern that the hours after 21:00 hours for licensable activities in Brewer's Yard would add to cumulative impact. Therefore, it was the Sub-Committees decision to grant the sale of alcohol in Brewer's Yard but to limit the terminal time to 21:00 hours.

The Sub-Committee noted that the Applicant had engaged with the Environmental Health Service and that the Metropolitan Police Service were satisfied that the courtyard is enclosed, and people cannot leave that area easily as it is controlled therefore patrons will not be drinking on the streets.

The Sub-Committee noted the interested parties' concerns in relation to dispersal and carefully considered their proposed conditions.

The Sub-Committee is aware that conditions must be appropriate for the promotion of the licensing objectives and that they must be tailored to the style of trade. The nature and wording of conditions in any case including this matter, rely on issues such as, but not limited to, the evidence, the quality and experience of the operators,

the nature of the location, the style of operation, previous enforcement history and the nature and cumulative effect of other conditions on the Premises Licence.

Conditions vary from case to case and indeed, each case is determined on its own merits.

The condition proposed by the CGCA, was considered by the Sub-Committee but it did not consider the condition appropriate and proportionate for the following reasons:

- (j) The Applicant had proposed a detailed Operational Management Plan and Delivery and Serving Plan and whilst the interested parties had expressed concern about dispersal into the locale, the Sub-Committee considered the inherent benefits of the location alongside the applicant's positive steps to manage patrons leaving would ensure that the licensing objectives were promoted;
- (k) By reducing the hours to core hours this would assist with dispersal, and with 500 people no longer leaving the premises in the early hours of the morning and the style of operation, this will assist with gradual dispersal;
- (l) The Applicant will appoint SIA Door Supervisors to control the flow of patrons.

The Sub-Committee noted that the enforcement of the condition proposed by the CGCA is dependent on:

- a. The continued existence of the Operational Plan and there is no agreed condition compelling the operator to retain such a plan;
- b. Definition of 'relevant staff' and when the training should take place;
- c. The closure of any entrance will raise issues in relation to emergency escapes;
- d. Enforcement Officer recognising or measuring the best endeavours of staff.

In light of the above, and the requirements under paragraph 1.16 of the Revised Home Office Guidance issued under section 182 of the Act, the Sub-Committee found that the condition was not precise enough and therefore unenforceable.

The Sub-Committee approved the proposed licensable activities and hours for the basement area as this area will only be used for private pre-booked functions or as an event space for circa 100 people. With the surrender of the Langley Premises licence and as this facility will be in the basement, the Sub-Committee was satisfied that an exception to policy had been met and would be appropriate in this case and with the proposed conditions the operation resulting reduction in the capacity and hours for the basement use the operation would not adversely impact the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the **Exhibition of Films and Recorded Music (Indoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours

Sunday 12:00 to 22:30 hours.

Seasonal Variations: None

2. To grant permission for **Late Night Refreshment (Indoors and Outdoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.

Seasonal Variations: None

3. To grant permission for **Retail Sale of Alcohol (On and Off Sales)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours.

Seasonal Variations: None

4. To grant permission for the **Opening Hours for the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours

Seasonal Variations: None

5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing with the agreement of the Applicant**

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a functional brewery.
12. The supply of alcohol shall only be to persons attending the premises as a brewery offering facilities as a visitor attraction and/or for persons attending a bona fide private pre-booked function or event to which members of the public are not admitted. A register of persons attending the function/event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by the Police or an authorised officer of the Council throughout the entire 31-day period.
13. Prior to any event being taken at the premises a risk assessment for that event shall be undertaken which will address as a minimum entrance and dispersal of patrons, provision and service of alcohol and the monitoring of consumption of alcohol and whether the provision of SIA shall be required. This risk assessment shall be retained at the premises for a minimum of 31 days after the event takes place.

14. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
15. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises or at external tables and chairs associated with the premises.
16. All tills shall automatically prompt staff to ask for age verification identification when presented with an 'Off' sale of alcohol.
17. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
18. All customers under the age of 18 shall be accompanied by an adult.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the preceding 31-day period.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
22. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or

subsequent equivalent training). The training log will be made available for inspection by the Police and Licensing Authority.

23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
26. The Licence Holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
29. All refuse shall be stored internally prior to collection.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these



documents shall be made readily available to the Police and the Licensing Authority upon request.

36. No licensable activities shall take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
37. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
38. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
39. The sale of alcohol at private events which continue after 22:00 is only permitted if substantial refreshment is or has been available to customers during the event.
40. There shall be no self-selection of alcohol.
41. From 22:30 hours Monday to Saturday and 22:00 hours on Sunday no patrons shall use the West door onto Mercer's Walk except in case of an emergency.
42. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.**

**The Licensing Sub- Committee  
30 June 2022**

The Meeting ended at 4.34 pm